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1	KAMALA D. HARRIS						
2	Attorney General of California KAREN B. CHAPPELLE						
3	Supervising Deputy Attorney General SYDNEY M. MEHRINGER						
4	Deputy Attorney General State Bar No. 245282						
5	300 So. Spring Street, Suite 1702 Los Angeles, CA 90013						
6	Los Angeles, CA 90013 Telephone: (213) 897-2537 Facsimile: (213) 897-2804						
7	E-mail: Sydney.Mehringer@doj.ca.gov Attorneys for Complainant						
8	BEFORE THE						
9	BOARD OF REGISTERED NURSING DEPARTMENT OF CONSUMER AFFAIRS						
10	STATE OF CAI						
11	In the Matter of the Accusation Against:	ase No. 2013-658					
12	JAMES STEVEN HINTON, AKA JAMES						
13		CCUSATION					
14	4 Elysium Drive Ely, NV, 89301						
15	Additional Address: 102 Forest Drive W						
16	Payson, AZ 85541						
17	Registered Nurse License No. 571661						
18	Respondent.						
19							
20	Complainant alleges:						
21	<u>PARTIES</u>						
22	1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her						
23	official capacity as the Executive Officer of the Board of Registered Nursing, Department of						
24	Consumer Affairs.						
25	2. On or about September 8, 2000, the Board of Registered Nursing ("Board") issued						
26	Registered Nurse License Number 571661 to James Steven Hinton, aka James Hinton						
27	("Respondent"). The Registered Nurse License expired on May 31, 2002, and has not been						
28	renewed.						

JURISDICTION

- 3. This Accusation is brought before the Board under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.
- 4. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.
- 5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Section 2811, subdivision (b) of the Code provides, in pertinent part, that the Board may renew an expired license at any time within eight years after the expiration.
- 6. Section 118, subdivision (b) grants the Board jurisdiction over suspended, expired, forfeited, cancelled, or surrendered licenses:

"The suspension, expiration, or forfeiture by operation of law of a license issued by a board in the department, or its suspension, forfeiture, or cancellation by order of the board or by order of a court of law, or its surrender without the written consent of the board, shall not, during any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its authority to institute or continue a disciplinary proceeding against the licensee upon any ground provided by law or to enter an order suspending or revoking the license or otherwise taking disciplinary action against the licensee on any such ground."

7. California Code of Regulations, title 16, section 1419.3 states:

"In the event a licensee does not renew his/her license as provided in Section 2811 of the code, the license expires. A licensee renewing pursuant to this section shall furnish a full set of fingerprints as required by and set out in section 1419(b) as a condition of renewal.

- (a) A licensee may renew a license that has not been expired for more than eight years by paying the renewal and penalty fees as specified in Section 1417 and providing evidence of 30 hours of continuing education taken within the prior two-year period.
- (b) A licensee may renew a license that has been expired for more than eight years by paying the renewal and penalty fees specified in Section 1417 and providing evidence that he or she holds a current valid active and clear registered nurse license in another state, a United States territory, or Canada, or by passing the Board's current examination for licensure."

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STATUTES

8. Section 2761 of the Code states, in pertinent part:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

- "(a) Unprofessional conduct, which includes, but is not limited to, the following:
- "(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action."

COST RECOVERY

9. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case, with failure of the licentiate to comply subjecting the license to not being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be included in a stipulated settlement.

FIRST CAUSE FOR DISCIPLINE

(Discipline by the Arizona Board of Nursing)

- 10. Respondent is subject to disciplinary action under Code section 2761, subdivision (a)(4) on the grounds of unprofessional conduct because Respondent's registered nursing license was disciplined by the Arizona State Board of Nursing ("Arizona Board") as follows:
- 11. On or about December 5, 2008, in a case entitled In the Matter of the Privilege to Practice Nursing under the Nurse Licensure Compact in the State of Arizona Issued To: Steven James Hinton Respondent Nurse No.: 654329 State of: Texas, the Arizona Board issued a Consent to Voluntary Surrender Multistate Licensure Privilege in Arizona and Cease and Desist

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Order No. 0808116 ("Order") in which Respondent voluntarily surrendered his multistate privilege to practice nursing in Arizona. The facts and circumstances underlying the Order were:

- (a) On or about August 25, 2008, Respondent submitted his application for professional nurse licensure by endorsement to the Arizona Board. On the application, Respondent admitted that he was currently being investigated and/or had disciplinary action pending against him in another state. Respondent submitted documents from the Texas Board of Nurse Examiners alleging unprofessional conduct relating to the administration of controlled substances and the intemperate use of Morphine Sulfate and Marijuana. Respondent had tested positive for both substances during a probable cause urine drug screen.
- (b) On or about August 25, 2008, also in connection with his application for professional nurse licensure by endorsement, Respondent admitted that he engaged in diversion of narcotics for self-use and he admitted to the use of marijuana. He admitted that he had agreed to enter the Texas Peer Assistance Program for Nurses ("TPAPN") on or about June 26, 2006.
- (c) On or about December 20, 2006, Respondent learned that he had been discharged from the TPAPN program.
- (d) On or about October 22, 2008, during an interview with Arizona Board staff, Respondent admitted that he abused opioids, specifically Morphine Sulfate and Dilaudid. He also described himself as an occasional marijuana user.
- (e) On or about November 12, 2008, during another interview with Arizona Board staff, Respondent could not provide the Board with an accurate employment history. He failed to disclose his employment with Pulse Staffing, Onward Healthcare in Wilton, Connecticut, and Kingman Regional Medical Center in Kingman, Arizona.
- (f) On or about February 17, 2007, while employed by Pulse Staffing, Respondent failed to submit to a for-cause urine drug screen during his shift at Christus St. Catherine's Hospital in Katy, Texas. Respondent admitted that he failed to submit to the drug screen because he "did have an issue" at that time.

SECOND CAUSE FOR DISCIPLINE

(Discipline by the Texas Board of Nursing)

- 12. Respondent is subject to disciplinary action under Code section 2761, subdivision (a)(4) on the grounds of unprofessional conduct because Respondent's registered nursing license was disciplined by the Texas Board of Nursing ("Texas Board"), as follows:
- 13. On or about July 6, 2010, in a case entitled *In the Matter of Registered Nurse License No. 654329 Issued to Steve Hinton*, the Texas Board issued an Agreed Order in which Respondent voluntarily surrendered his registered nurse license. The Agreed Order was based on the following facts:
- (a) On or about June 10, 2006, while employed as a registered nurse with West Houston Medical Center in Houston, Texas, Respondent engaged in the intemperate use of Morphine and Marijuana in that Respondent tested positive for those substances during a probable cause drug screen.
- (b) On or about December 5, 2008, Respondent signed a Consent to Voluntary Surrender Multistate Licensure Privilege in Arizona and Cease and Desist Order No. 0808116. The Texas Board relied on the grounds underlying the Consent to Voluntary Surrender set forth in Paragraph 11, subparagraphs (d)-(f), which Complainant incorporates by reference as though fully set forth herein.
- (c) Respondent's participation in the Texas Peer Assistance Program for Nurses was terminated by the Texas Board until its investigation into Respondent was concluded.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

- 1. Revoking or suspending Registered Nurse License Number 571661, issued to James Steven Hinton, aka James Hinton;
- 2. Ordering James Steven Hinton, aka James Hinton, to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and

1	3. Taking such other and further action as deemed necessary and proper.					
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3	DATED LYDNI	cary 21 2013		Stace Ben		
4	DATED. ////	()	for	LOUISE R. BAILEY, M.ED., R. Executive Officer	7	
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